

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 535
OFFERED BY M . _____**

Strike section 2 and all that follows and insert the following:

1 **SEC. 2. NATIONAL PRIMARY DRINKING WATER REGULA-**
2 **TIONS FOR PFAS.**

3 Section 1412(b) of the Safe Drinking Water Act (42
4 U.S.C. 300g–1(b)) is amended by adding at the end the
5 following:

6 “(16) PERFLUOROALKYL AND
7 POLYFLUOROALKYL SUBSTANCES.—

8 “(A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this paragraph,
10 the Administrator shall, after notice and oppor-
11 tunity for public comment, promulgate a na-
12 tional primary drinking water regulation for
13 perfluoroalkyl and polyfluoroalkyl substances,
14 which shall, at a minimum, include standards
15 for—

16 “(i) perfluorooctanoic acid (commonly
17 referred to as ‘PFOA’); and

1 “(ii) perfluorooctane sulfonic acid
2 (commonly referred to as ‘PFOS’).

3 “(B) ALTERNATIVE PROCEDURES.—

4 “(i) IN GENERAL.—Not later than 1
5 year after the validation by the Adminis-
6 trator of an equally effective quality con-
7 trol and testing procedure to ensure com-
8 pliance with the national primary drinking
9 water regulation promulgated under sub-
10 paragraph (A) to measure the levels de-
11 scribed in clause (ii) or other methods to
12 detect and monitor perfluoroalkyl and
13 polyfluoroalkyl substances in drinking
14 water, the Administrator shall add the pro-
15 cedure or method as an alternative to the
16 quality control and testing procedure de-
17 scribed in such national primary drinking
18 water regulation by publishing the proce-
19 dure or method in the Federal Register in
20 accordance with section 1401(1)(D).

21 “(ii) LEVELS DESCRIBED.—The levels
22 referred to in clause (i) are—

23 “(I) the level of a perfluoroalkyl
24 or polyfluoroalkyl substance;

1 “(II) the total levels of
2 perfluoroalkyl and polyfluoroalkyl sub-
3 stances; and

4 “(III) the total levels of organic
5 fluorine.

6 “(C) INCLUSIONS.—The Administrator
7 may include a perfluoroalkyl or polyfluoroalkyl
8 substance or class of perfluoroalkyl or
9 polyfluoroalkyl substances on—

10 “(i) the list of contaminants for con-
11 sideration of regulation under paragraph
12 (1)(B)(i), in accordance with such para-
13 graph; and

14 “(ii) the list of unregulated contami-
15 nants to be monitored under section
16 1445(a)(2)(B)(i), in accordance with such
17 section.

18 “(D) MONITORING.—When establishing
19 monitoring requirements for public water sys-
20 tems as part of a national primary drinking
21 water regulation under subparagraph (A) or
22 subparagraph (F)(ii), the Administrator shall
23 tailor the monitoring requirements for public
24 water systems that do not detect or are reliably
25 and consistently below the maximum contami-

1 nant level (as defined in section 1418(b)(2)(B))
2 for the perfluoroalkyl or polyfluoroalkyl sub-
3 stance or class of perfluoroalkyl or
4 polyfluoroalkyl substances subject to the na-
5 tional primary drinking water regulation.

6 “(E) HEALTH RISK REDUCTION AND COST
7 ANALYSIS.—In meeting the requirements of
8 paragraph (3)(C), the Administrator may rely
9 on information available to the Administrator
10 with respect to 1 or more specific perfluoroalkyl
11 or polyfluoroalkyl substances to extrapolate rea-
12 soned conclusions regarding the health risks
13 and effects of a class of perfluoroalkyl or
14 polyfluoroalkyl substances of which the specific
15 perfluoroalkyl or polyfluoroalkyl substances are
16 a part.

17 “(F) REGULATION OF ADDITIONAL SUB-
18 STANCES.—

19 “(i) DETERMINATION.—The Adminis-
20 trator shall make a determination under
21 paragraph (1)(A), using the criteria de-
22 scribed in clauses (i) through (iii) of that
23 paragraph, whether to include a
24 perfluoroalkyl or polyfluoroalkyl substance
25 or class of perfluoroalkyl or polyfluoroalkyl

1 substances in the national primary drink-
2 ing water regulation under subparagraph
3 (A) not later than 18 months after the
4 later of—

5 “(I) the date on which the
6 perfluoroalkyl or polyfluoroalkyl sub-
7 stance or class of perfluoroalkyl or
8 polyfluoroalkyl substances is listed on
9 the list of contaminants for consider-
10 ation of regulation under paragraph
11 (1)(B)(i); and

12 “(II) the date on which—

13 “(aa) the Administrator has
14 received the results of monitoring
15 under section 1445(a)(2)(B) for
16 the perfluoroalkyl or
17 polyfluoroalkyl substance or class
18 of perfluoroalkyl or
19 polyfluoroalkyl substances; or

20 “(bb) the Administrator has
21 received reliable water data or
22 water monitoring surveys for the
23 perfluoroalkyl or polyfluoroalkyl
24 substance or class of
25 perfluoroalkyl or polyfluoroalkyl

1 substances from a Federal or
2 State agency that the Adminis-
3 trator determines to be of a qual-
4 ity sufficient to make a deter-
5 mination under paragraph
6 (1)(A).

7 “(ii) PRIMARY DRINKING WATER REG-
8 ULATIONS.—

9 “(I) IN GENERAL.—For each
10 perfluoroalkyl or polyfluoroalkyl sub-
11 stance or class of perfluoroalkyl or
12 polyfluoroalkyl substances that the
13 Administrator determines to regulate
14 under clause (i), the Administrator—

15 “(aa) not later than 18
16 months after the date on which
17 the Administrator makes the de-
18 termination, shall propose a na-
19 tional primary drinking water
20 regulation for the perfluoroalkyl
21 or polyfluoroalkyl substance or
22 class of perfluoroalkyl or
23 polyfluoroalkyl substances; and

24 “(bb) may publish the pro-
25 posed national primary drinking

1 water regulation described in
2 item (aa) concurrently with the
3 publication of the determination
4 to regulate the perfluoroalkyl or
5 polyfluoroalkyl substance or class
6 of perfluoroalkyl or
7 polyfluoroalkyl substances.

8 “(II) DEADLINE.—

9 “(aa) IN GENERAL.—Not
10 later than 1 year after the date
11 on which the Administrator pub-
12 lishes a proposed national pri-
13 mary drinking water regulation
14 under clause (i)(I) and subject to
15 item (bb), the Administrator
16 shall take final action on the pro-
17 posed national primary drinking
18 water regulation.

19 “(bb) EXTENSION.—The
20 Administrator, on publication of
21 notice in the Federal Register,
22 may extend the deadline under
23 item (aa) by not more than 6
24 months.

25 “(G) HEALTH ADVISORY.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the Administrator shall publish a
3 health advisory under paragraph (1)(F) for
4 a perfluoroalkyl or polyfluoroalkyl sub-
5 stance or class of perfluoroalkyl or
6 polyfluoroalkyl substances not subject to a
7 national primary drinking water regulation
8 not later than 1 year after the later of—

9 “(I) the date on which the Ad-
10 ministrator finalizes a toxicity value
11 for the perfluoroalkyl or
12 polyfluoroalkyl substance or class of
13 perfluoroalkyl or polyfluoroalkyl sub-
14 stances; and

15 “(II) the date on which the Ad-
16 ministrator validates an effective qual-
17 ity control and testing procedure for
18 the perfluoroalkyl or polyfluoroalkyl
19 substance or class of perfluoroalkyl or
20 polyfluoroalkyl substances.

21 “(ii) WAIVER.—The Administrator
22 may waive the requirements of clause (i)
23 with respect to a perfluoroalkyl or
24 polyfluoroalkyl substance or class of
25 perfluoroalkyl and polyfluoroalkyl sub-

1 stances if the Administrator determines
2 that there is a substantial likelihood that
3 the perfluoroalkyl or polyfluoroalkyl sub-
4 stance or class of perfluoroalkyl or
5 polyfluoroalkyl substances will not occur in
6 drinking water with sufficient frequency to
7 justify the publication of a health advisory,
8 and publishes such determination, includ-
9 ing the information and analysis used, and
10 basis for, such determination, in the Fed-
11 eral Register.”.

12 **SEC. 3. MONITORING AND DETECTION.**

13 (a) MONITORING PROGRAM FOR UNREGULATED
14 CONTAMINANTS.—

15 (1) IN GENERAL.—The Administrator of the
16 Environmental Protection Agency shall include each
17 substance described in paragraph (2) in the fifth
18 publication of the list of unregulated contaminants
19 to be monitored under section 1445(a)(2)(B)(i) of
20 the Safe Drinking Water Act (42 U.S.C. 300j–
21 4(a)(2)(B)(i)).

22 (2) SUBSTANCES DESCRIBED.—The substances
23 referred to in paragraph (1) are perfluoroalkyl and
24 polyfluoroalkyl substances and classes of
25 perfluoroalkyl and polyfluoroalkyl substances—

1 (A) for which a method to measure the
2 level in drinking water has been validated by
3 the Administrator of the Environmental Protec-
4 tion Agency; and

5 (B) that are not subject to a national pri-
6 mary drinking water regulation under subpara-
7 graph (A) or (F)(ii) of paragraph (16) of sec-
8 tion 1412(b) of the Safe Drinking Water Act
9 (42 U.S.C. 300g-1(b)).

10 (3) EXCEPTION.—The perfluoroalkyl and
11 polyfluoroalkyl substances and classes of
12 perfluoroalkyl and polyfluoroalkyl substances in-
13 cluded in the list of unregulated contaminants to be
14 monitored under section 1445(a)(2)(B)(i) of the
15 Safe Drinking Water Act (42 U.S.C. 300j-
16 4(a)(2)(B)(i)) under paragraph (1) shall not count
17 towards the limit of 30 unregulated contaminants to
18 be monitored by public water systems under that
19 section.

20 (b) APPLICABILITY.—

21 (1) IN GENERAL.—The Administrator of the
22 Environmental Protection Agency shall—

23 (A) require public water systems serving
24 more than 10,000 persons to monitor for the
25 substances described in subsection (a)(2);

1 (B) subject to paragraph (2) and the avail-
2 ability of appropriations, require public water
3 systems serving not fewer than 3,300 and not
4 more than 10,000 persons to monitor for the
5 substances described in subsection (a)(2); and

6 (C) subject to paragraph (2) and the avail-
7 ability of appropriations, ensure that only a
8 representative sample of public water systems
9 serving fewer than 3,300 persons are required
10 to monitor for the substances described in sub-
11 section (a)(2).

12 (2) REQUIREMENT.—If the Administrator of
13 the Environmental Protection Agency determines
14 that there is not sufficient laboratory capacity to
15 carry out the monitoring required under subpara-
16 graphs (B) and (C) of paragraph (1), the Adminis-
17 trator may waive the monitoring requirements in
18 those subparagraphs.

19 (3) FUNDS.—The Administrator of the Envi-
20 ronmental Protection Agency shall pay the reason-
21 able cost of such testing and laboratory analysis as
22 is necessary to carry out the monitoring required
23 under subparagraphs (B) and (C) of paragraph (1)
24 using—

1 (A) funds made available pursuant to sub-
2 section (a)(2)(H) or subsection (j)(5) of section
3 1445 of the Safe Drinking Water Act (42
4 U.S.C. 300j-4); or

5 (B) any other funds made available for
6 that purpose.

7 **SEC. 4. ENFORCEMENT.**

8 Notwithstanding any other provision of law, the Ad-
9 ministrator of the Environmental Protection Agency may
10 not impose financial penalties for the violation of a na-
11 tional primary drinking water regulation (as defined in
12 section 1401 of the Safe Drinking Water Act (42 U.S.C.
13 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl
14 substance or class of perfluoroalkyl or polyfluoroalkyl sub-
15 stances for which a national primary drinking water regu-
16 lation has been promulgated under clause (i) or (vi) of
17 subparagraph (D) of section 1412(b)(2) of the Safe
18 Drinking Water Act (42 U.S.C. 300g-1(b)(2)) earlier
19 than the date that is 5 years after the date on which the
20 Administrator promulgates the national primary drinking
21 water regulation.

22 **SEC. 5. DRINKING WATER STATE REVOLVING FUNDS.**

23 Section 1452 of the Safe Drinking Water Act (42
24 U.S.C. 300j-12) is amended—

1 (1) in subsection (a)(2), by adding at the end
2 the following:

3 “(G) EMERGING CONTAMINANTS.—

4 “(i) IN GENERAL.—Notwithstanding
5 any other provision of law and subject to
6 clause (ii), amounts deposited under sub-
7 section (t) in a State loan fund established
8 under this section may only be used to pro-
9 vide grants for the purpose of addressing
10 emerging contaminants, with a focus on
11 perfluoroalkyl and polyfluoroalkyl sub-
12 stances.

13 “(ii) REQUIREMENTS.—

14 “(I) SMALL AND DISADVAN-
15 TAGED COMMUNITIES.—Not less than
16 25 percent of the amounts described
17 in clause (i) shall be used to provide
18 grants to—

19 “(aa) disadvantaged commu-
20 nities (as defined in subsection
21 (d)(3)); or

22 “(bb) public water systems
23 serving fewer than 25,000 per-
24 sons.

1 “(II) PRIORITIES.—In selecting
2 the recipient of a grant using amounts
3 described in clause (i), a State shall
4 use the priorities described in sub-
5 section (b)(3)(A).

6 “(iii) NO INCREASED BONDING AU-
7 THORITY.—The amounts deposited in the
8 State loan fund of a State under sub-
9 section (t) may not be used as a source of
10 payment of, or security for (directly or in-
11 directly), in whole or in part, any obliga-
12 tion the interest on which is exempt from
13 the tax imposed under chapter 1 of the In-
14 ternal Revenue Code of 1986.”;

15 (2) in subsection (m)(1), in the matter pre-
16 ceding subparagraph (A), by striking “this section”
17 and inserting “this section, except for subsections
18 (a)(2)(G) and (t)”;

19 (3) by adding at the end the following:

20 “(t) EMERGING CONTAMINANTS.—

21 “(1) IN GENERAL.—Amounts made available
22 under this subsection shall be allotted to a State as
23 if allotted under subsection (a)(1)(D) as a capital-
24 ization grant, for deposit into the State loan fund of

1 the State, for the purposes described in subsection
2 (a)(2)(G).

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—
4 There is authorized to be appropriated to carry out
5 this subsection \$100,000,000 for each of fiscal years
6 2020 through 2024, to remain available until ex-
7 pended.”.

8 **SEC. 6. ADDITIONS TO TOXICS RELEASE INVENTORY.**

9 (a) DEFINITION OF TOXICS RELEASE INVENTORY.—
10 In this section, the term “toxics release inventory” means
11 the list of toxic chemicals subject to the requirements of
12 section 313(c) of the Emergency Planning and Commu-
13 nity Right-To-Know Act of 1986 (42 U.S.C. 11023(c)).

14 (b) IMMEDIATE INCLUSION.—

15 (1) IN GENERAL.—Subject to subsection (e),
16 beginning January 1 of the calendar year following
17 the date of enactment of this Act, the Administrator
18 of the Environmental Protection Agency shall deem
19 the following chemicals to be included in the toxics
20 release inventory:

21 (A) Perfluorooctanoic acid (commonly re-
22 ferred to as “PFOA”) (Chemical Abstracts
23 Service No. 335–67–1).

24 (B) The salts associated with the chemical
25 described in subparagraph (A) (Chemical Ab-

1 stracts Service Nos. 3825–26–1, 335–95–5, and
2 68141–02–6).

3 (C) Perfluorooctane sulfonic acid (com-
4 monly referred to as “PFOS”) (Chemical Ab-
5 stracts Service No. 1763–23–1).

6 (D) The salts associated with the chemical
7 described in subparagraph (C) (Chemical Ab-
8 stracts Service Nos. 2795–39–3, 29457–72–5,
9 56773–42–3, 29081–56–9, and 70225–14–8).

10 (E) A perfluoroalkyl or polyfluoroalkyl sub-
11 stance or class of perfluoroalkyl or
12 polyfluoroalkyl substances that is—

13 (i) listed as an active chemical sub-
14 stance in the February 2019 update to the
15 inventory under section 8(b)(1) of the
16 Toxic Substances Control Act (15 U.S.C.
17 2607(b)(1)); and

18 (ii) on the date of enactment of this
19 Act, subject to the provisions of—

20 (I) section 721.9582 of title 40,
21 Code of Federal Regulations; or

22 (II) section 721.10536 of title
23 40, Code of Federal Regulations.

1 (F) Hexafluoropropylene oxide dimer acid
2 (commonly referred to as “GenX”) (Chemical
3 Abstracts Service No. 13252–13–6).

4 (G) The compound associated with the
5 chemical described in subparagraph (F) identi-
6 fied by Chemical Abstracts Service No. 62037–
7 80–3.

8 (H) Perfluorononanoic acid (commonly re-
9 ferred to as “PFNA”) (Chemical Abstracts
10 Service No. 375–95–1).

11 (I) Perfluorohexanesulfonic acid (com-
12 monly referred to as “PFHxS”) (Chemical Ab-
13 stracts Service No. 355–46–4).

14 (2) THRESHOLD FOR REPORTING.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), the threshold for reporting the
17 chemicals described in paragraph (1) under sec-
18 tion 313 of the Emergency Planning and Com-
19 munity Right-To-Know Act of 1986 (42 U.S.C.
20 11023) is 100 pounds.

21 (B) REVISIONS.—Not later than 5 years
22 after the date of enactment of this Act, the Ad-
23 ministrator of the Environmental Protection
24 Agency shall—

1 (i) determine whether revision of the
2 threshold under subparagraph (A) is war-
3 ranted for any chemical described in para-
4 graph (1); and

5 (ii) if the Administrator determines a
6 revision to be warranted under clause (i),
7 initiate a revision under section 313(f)(2)
8 of the Emergency Planning and Commu-
9 nity Right-To-Know Act of 1986 (42
10 U.S.C. 11023(f)(2)).

11 (c) INCLUSION FOLLOWING ASSESSMENT.—

12 (1) IN GENERAL.—

13 (A) DATE OF INCLUSION.—Subject to sub-
14 section (e), notwithstanding section 313 of the
15 Emergency Planning and Community Right-To-
16 Know Act of 1986, the Administrator of the
17 Environmental Protection Agency shall deem a
18 perfluoroalkyl or polyfluoroalkyl substance or
19 class of perfluoroalkyl or polyfluoroalkyl sub-
20 stances not described in subsection (b)(1) to be
21 included in the toxics release inventory begin-
22 ning January 1 of the calendar year after any
23 of the following dates:

24 (i) FINAL TOXICITY VALUE.—The
25 date on which the Administrator finalizes a

1 toxicity value for the perfluoroalkyl or
2 polyfluoroalkyl substance or class of
3 perfluoroalkyl or polyfluoroalkyl sub-
4 stances.

5 (ii) SIGNIFICANT NEW USE RULE.—
6 The date on which the Administrator
7 makes a covered determination for the
8 perfluoroalkyl or polyfluoroalkyl substance
9 or class of perfluoroalkyl or polyfluoroalkyl
10 substances.

11 (iii) ADDITION TO EXISTING SIGNIFI-
12 CANT NEW USE RULE.—The date on which
13 the perfluoroalkyl or polyfluoroalkyl sub-
14 stance or class of perfluoroalkyl or
15 polyfluoroalkyl substances is added to a
16 list of substances covered by a covered de-
17 termination.

18 (iv) ADDITION AS ACTIVE CHEMICAL
19 SUBSTANCE.—The date on which the
20 perfluoroalkyl or polyfluoroalkyl substance
21 or class of perfluoroalkyl or polyfluoroalkyl
22 substances to which a covered determina-
23 tion applies is—

24 (I) added to the list published
25 under paragraph (1) of section 8(b) of

1 the Toxic Substances Control Act and
2 designated as an active chemical sub-
3 stance under paragraph (5)(A) of
4 such section; or

5 (II) designated as an active
6 chemical substance on such list under
7 paragraph (5)(B) of such section.

8 (B) COVERED DETERMINATION.—For pur-
9 poses of this paragraph, a covered determina-
10 tion is a determination made, by rule, under
11 section 5(a)(2) of the Toxic Substances Control
12 Act that a use of a perfluoroalkyl or
13 polyfluoroalkyl substance or class of
14 perfluoroalkyl or polyfluoroalkyl substances is a
15 significant new use (except such a determina-
16 tion made in connection with a determination
17 described in section 5(a)(3)(B) or section
18 5(a)(3)(C) of such Act).

19 (2) THRESHOLD FOR REPORTING.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), notwithstanding subsection (f)(1) of
22 section 313 of the Emergency Planning and
23 Community Right-To-Know Act of 1986 (42
24 U.S.C. 11023), the threshold for reporting
25 under such section 313 the substances and

1 classes of substances included in the toxics re-
2 lease inventory under paragraph (1) is 100
3 pounds.

4 (B) REVISIONS.—Not later than 5 years
5 after the date on which a perfluoroalkyl or
6 polyfluoroalkyl substance or class of
7 perfluoroalkyl or polyfluoroalkyl substances is
8 included in the toxics release inventory under
9 paragraph (1), the Administrator of the Envi-
10 ronmental Protection Agency shall—

11 (i) determine whether revision of the
12 threshold under subparagraph (A) is war-
13 ranted for the substance or class of sub-
14 stances; and

15 (ii) if the Administrator determines a
16 revision to be warranted under clause (i),
17 initiate a revision under section 313(f)(2)
18 of the Emergency Planning and Commu-
19 nity Right-To-Know Act of 1986 (42
20 U.S.C. 11023(f)(2)).

21 (d) INCLUSION FOLLOWING DETERMINATION.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of enactment of this Act, the Administrator
24 of the Environmental Protection Agency shall deter-
25 mine whether the substances and classes of sub-

1 stances described in paragraph (2) meet any one of
2 the criteria described in section 313(d)(2) of the
3 Emergency Planning and Community Right-To-
4 Know Act of 1986 (42 U.S.C. 11023(d)(2)) for in-
5 clusion in the toxics release inventory.

6 (2) SUBSTANCES DESCRIBED.—The substances
7 and classes of substances referred to in paragraph
8 (1) are perfluoroalkyl and polyfluoroalkyl substances
9 and classes of perfluoroalkyl and polyfluoroalkyl sub-
10 stances not described in subsection (b)(1), includ-
11 ing—

12 (A) perfluoro[(2-pentafluoroethoxy-
13 ethoxy)acetic acid] ammonium salt (Chemical
14 Abstracts Service No. 908020–52–0);

15 (B) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-
16 hexafluoro)-2-(trifluoromethoxy) propanoyl flu-
17 oride (Chemical Abstracts Service No. 2479–
18 75–6);

19 (C) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-
20 hexafluoro)-2-(trifluoromethoxy) propionic acid
21 (Chemical Abstracts Service No. 2479–73–4);

22 (D) 3H-perfluoro-3-[(3-methoxy-propoxy)
23 propanoic acid] (Chemical Abstracts Service
24 No. 919005–14–4);

1 (E) the salts associated with the chemical
2 described in subparagraph (D) (Chemical Ab-
3 stracts Service Nos. 958445-44-8, 1087271-
4 46-2, and NOCAS 892452);

5 (F) 1-octanesulfonic acid
6 3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium
7 salt (Chemical Abstracts Service No. 59587-
8 38-1);

9 (G) perfluorobutanesulfonic acid (Chemical
10 Abstracts Service No. 375-73-5);

11 (H) 1-Butanesulfonic acid,
12 1,1,2,2,3,3,4,4,4-nonaffluoro-potassium salt
13 (Chemical Abstracts Service No. 29420-49-3);

14 (I) the component associated with the
15 chemical described in subparagraph (H) (Chem-
16 ical Abstracts Service No. 45187-15-3);

17 (J) heptafluorobutyric acid (Chemical Ab-
18 stracts Service No. 375-22-4);

19 (K) perfluorohexanoic acid (Chemical Ab-
20 stracts Service No. 307-24-4);

21 (L) the compound associated with the
22 chemical described in subsection (b)(1)(F) iden-
23 tified by Chemical Abstracts Service No. 2062-
24 98-8;

1 (M) perfluoroheptanoic acid (commonly re-
2 ferred to as “PFHpA”) (Chemical Abstracts
3 Service No. 375–85–9);

4 (N) each perfluoroalkyl or polyfluoroalkyl
5 substance or class of perfluoroalkyl or
6 polyfluoroalkyl substances for which a method
7 to measure levels in drinking water has been
8 validated by the Administrator; and

9 (O) a perfluoroalkyl and polyfluoroalkyl
10 substance or class of perfluoroalkyl or
11 polyfluoroalkyl substances other than the
12 chemicals described in subparagraphs (A)
13 through (N) that is used to manufacture
14 fluorinated polymers, as determined by the Ad-
15 ministrator.

16 (3) ADDITION TO TOXICS RELEASE INVEN-
17 TORY.—Subject to subsection (e), if the Adminis-
18 trator determines under paragraph (1) that a sub-
19 stance or a class of substances described in para-
20 graph (2) meets any one of the criteria described in
21 section 313(d)(2) of the Emergency Planning and
22 Community Right-To-Know Act of 1986 (42 U.S.C.
23 11023(d)(2)), the Administrator shall revise the
24 toxics release inventory in accordance with such sec-
25 tion 313(d) to include that substance or class of sub-

1 stances not later than 2 years after the date on
2 which the Administrator makes the determination.

3 (e) CONFIDENTIAL BUSINESS INFORMATION.—

4 (1) IN GENERAL.—Prior to including on the
5 toxics release inventory pursuant to subsection
6 (b)(1), (c)(1), or (d)(3) any perfluoroalkyl or
7 polyfluoroalkyl substance or class of perfluoroalkyl
8 or polyfluoroalkyl substances the chemical identity of
9 which is subject to a claim of a person of protection
10 from disclosure under subsection (a) of section 552
11 of title 5, United States Code, pursuant to sub-
12 section (b)(4) of that section, the Administrator of
13 the Environmental Protection Agency shall—

14 (A) review any such claim of protection
15 from disclosure; and

16 (B) require that person to reassert and
17 substantiate or resubstantiate that claim in ac-
18 cordance with section 14(f) of the Toxic Sub-
19 stances Control Act (15 U.S.C. 2613(f)).

20 (2) NONDISCLOSURE OF PROTECTION INFORMA-
21 TION.—If the Administrator determines that the
22 chemical identity of a perfluoroalkyl or
23 polyfluoroalkyl substance or class of perfluoroalkyl
24 or polyfluoroalkyl substances qualifies for protection
25 from disclosure pursuant to paragraph (1), the Ad-

1 administrator shall include the substance or class of
2 substances, as applicable, on the toxics release inven-
3 tory in a manner that does not disclose the protected
4 information.

5 (f) EMERGENCY PLANNING AND COMMUNITY RIGHT-
6 TO-KNOW ACT OF 1986.—Section 313(c) of the Emer-
7 gency Planning and Community Right-To-Know Act of
8 1986 (42 U.S.C. 11023(c)) is amended—

9 (1) by striking the period at the end and insert-
10 ing “; and”;

11 (2) by striking “are those chemicals” and in-
12 serting the following: “are—

13 “(1) the chemicals”; and

14 (3) by adding at the end the following:

15 “(2) the chemicals included on such list under
16 subsections (b)(1), (c)(1), and (d)(3) of section 9 of
17 the PFAS Action Act of 2019.”.

18 **SEC. 7. PFAS DATA CALL.**

19 Section 8(a) of the Toxic Substances Control Act (15
20 U.S.C. 2607(a)) is amended by adding at the end the fol-
21 lowing:

22 “(7) PFAS DATA.—Not later than January 1,
23 2023, the Administrator shall promulgate a rule in
24 accordance with this subsection requiring each per-
25 son who has manufactured a chemical substance

1 that is a perfluoroalkyl or polyfluoroalkyl substance
2 in any year since January 1, 2011, to submit to the
3 Administrator a report that includes, for each year
4 since January 1, 2011, the information described in
5 subparagraphs (A) through (G) of paragraph (2).”.

6 **SEC. 8. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN**
7 **PFAS.**

8 Not later than June 22, 2020, the Administrator of
9 the Environmental Protection Agency shall take final ac-
10 tion on the proposed rule entitled “Long-Chain
11 Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate
12 Chemical Substances; Significant New Use Rule” (80 Fed.
13 Reg. 2885 (January 21, 2015)).

14 **SEC. 9. PFAS DESTRUCTION AND DISPOSAL GUIDANCE.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, the Administrator of the
17 Environmental Protection Agency shall publish interim
18 guidance on the destruction and disposal of perfluoroalkyl
19 and polyfluoroalkyl substances and materials containing
20 perfluoroalkyl and polyfluoroalkyl substances, including—

- 21 (1) soil and biosolids;
22 (2) textiles, other than consumer products,
23 treated with perfluoroalkyl and polyfluoroalkyl sub-
24 stances;

1 (3) spent filters, membranes, resins, granular
2 carbon, and other waste from water treatment;

3 (4) landfill leachate containing perfluoroalkyl
4 and polyfluoroalkyl substances;

5 (5) solid, liquid, or gas waste streams con-
6 taining perfluoroalkyl and polyfluoroalkyl substances
7 from facilities manufacturing or using perfluoroalkyl
8 and polyfluoroalkyl substances; and

9 (6) aqueous film-forming foam.

10 (b) CONSIDERATIONS; INCLUSIONS.—The interim
11 guidance under subsection (a) shall—

12 (1) take into consideration—

13 (A) the potential for releases of
14 perfluoroalkyl and polyfluoroalkyl substances
15 during destruction or disposal, including
16 through volatilization, air dispersion, or leach-
17 ate; and

18 (B) potentially vulnerable populations liv-
19 ing near likely destruction or disposal sites; and

20 (2) provide guidance on testing and monitoring
21 air, effluent, and soil near potential destruction or
22 disposal sites for releases described in paragraph
23 (1)(A).

24 (c) REVISIONS.—The Administrator shall publish re-
25 visions to the interim guidance under subsection (a) as

1 the Administrator determines to be appropriate, but not
2 less frequently than once every 3 years.

3 **SEC. 10. COOPERATIVE AGREEMENTS WITH STATES FOR**
4 **REMOVAL AND REMEDIAL ACTIONS TO AD-**
5 **DRESS DRINKING, SURFACE, AND GROUND**
6 **WATER AND SOIL CONTAMINATION FROM**
7 **PFAS.**

8 (a) DEFINITIONS.—In this section:

9 (1) FEDERAL FACILITY.—

10 (A) IN GENERAL.—The term “Federal fa-
11 cility” means a facility (as defined in section
12 101 of the Comprehensive Environmental Re-
13 sponse, Compensation, and Liability Act of
14 1980 (42 U.S.C. 9601)) that is owned or oper-
15 ated by the Federal Government.

16 (B) INCLUSION.—The term “Federal facil-
17 ity” includes—

18 (i) a facility or site—

19 (I) owned by, leased to, or other-
20 wise possessed by the United States;
21 or

22 (II) under the jurisdiction of the
23 Secretary of Defense;

24 (ii) a facility or site that, at the time
25 of the actions leading to contamination or

1 suspected contamination of drinking water,
2 surface water, or groundwater or land sur-
3 face or subsurface strata from a
4 perfluorinated compound, was—

5 (I) owned by, leased to, or other-
6 wise possessed by the United States;
7 or

8 (II) under the jurisdiction of the
9 Secretary of Defense; and

10 (iii) land owned and operated by a
11 State when the land is used for training
12 the National Guard pursuant to chapter 5
13 of title 32, United States Code, with funds
14 provided by the Secretary of Defense or
15 the Secretary of a military department,
16 even though that land is not under the ju-
17 risdiction of the Secretary of Defense.

18 (2) FULLY FLUORINATED CARBON ATOM.—The
19 term “fully fluorinated carbon atom” means a car-
20 bon atom on which all the hydrogen substituents
21 have been replaced by fluorine.

22 (3) PERFLUORINATED COMPOUND.—The term
23 “perfluorinated compound” means a perfluoroalkyl
24 substance or a polyfluoroalkyl substance (or

1 “PFAS”) that is manmade with at least 1 fully
2 fluorinated carbon atom.

3 (4) STATE.—The term “State” has the mean-
4 ing given the term in section 101 of the Comprehen-
5 sive Environmental Response, Compensation, and
6 Liability Act of 1980 (42 U.S.C. 9601).

7 (b) COOPERATIVE AGREEMENT.—

8 (1) IN GENERAL.—On request by the Governor
9 or chief executive of a State, a Federal department
10 or agency shall work expeditiously to finalize a coop-
11 erative agreement for, or to amend an existing coop-
12 erative agreement to address, testing, monitoring,
13 removal, and remedial actions to address contamina-
14 tion or suspected contamination of drinking water,
15 surface water, or groundwater or land surface or
16 subsurface strata from a perfluorinated compound
17 originating from a Federal facility.

18 (2) MINIMUM STANDARDS.—A cooperative
19 agreement finalized or amended under paragraph
20 (1) shall require the area subject to the cooperative
21 agreement to meet or exceed the most stringent of
22 the following standards for perfluorinated com-
23 pounds in any environmental media:

24 (A) An enforceable State standard, in ef-
25 fect in that State, for drinking water, surface

1 water, or groundwater or land surface or sub-
2 surface strata, as required under section 121(d)
3 of the Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980 (42
5 U.S.C. 9621(d)).

6 (B) A health advisory under section
7 1412(b)(1)(F) of the Safe Drinking Water Act
8 (42 U.S.C. 300g–1(b)(1)(F)).

9 (C) Any Federal standard, requirement,
10 criterion, or limit, including a standard, re-
11 quirement, criterion, or limit issued under—

12 (i) the Toxic Substances Control Act
13 (15 U.S.C. 2601 et seq.);

14 (ii) the Safe Drinking Water Act (42
15 U.S.C. 300f et seq.);

16 (iii) the Clean Air Act (42 U.S.C.
17 7401 et seq.);

18 (iv) the Federal Water Pollution Con-
19 trol Act (33 U.S.C. 1251 et seq.);

20 (v) the Marine Protection, Research,
21 and Sanctuaries Act of 1972 (commonly
22 known as the “Ocean Dumping Act”) (33
23 U.S.C. 1401 et seq.); or

24 (vi) the Solid Waste Disposal Act (42
25 U.S.C. 6901 et seq.).

1 (3) OTHER AUTHORITY.—In addition to the re-
2 quirements for a cooperative agreement under para-
3 graph (1), when otherwise authorized to expend
4 funds for the purpose of addressing ground or sur-
5 face water contaminated by a perfluorinated com-
6 pound, the head of a Federal department or agency
7 may, to expend those funds, enter into a grant
8 agreement, cooperative agreement, or contract
9 with—

10 (A) the local water authority with jurisdic-
11 tion over the contamination site, including—

12 (i) a public water system (as defined
13 in section 1401 of the Safe Drinking
14 Water Act (42 U.S.C. 300f)); and

15 (ii) a publicly owned treatment works
16 (as defined in section 212 of the Federal
17 Water Pollution Control Act (33 U.S.C.
18 1292)); or

19 (B) a State, local, or Tribal government.

20 (c) NOTIFICATION REQUIREMENT.—

21 (1) DEFINITION OF APPROPRIATE CONGRES-
22 SIONAL COMMITTEES.—In this subsection, the term
23 “appropriate congressional committees” means—

24 (A) the Committee on Environment and
25 Public Works of the Senate;

1 (B) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 (C) the Committee on Energy and Com-
4 merce of the House of Representatives; and

5 (D) the Committee on Oversight and Re-
6 form of the House of Representatives.

7 (2) REPORT.—

8 (A) IN GENERAL.—If a cooperative agree-
9 ment is not finalized or amended under sub-
10 section (b) by the date that is 1 year after the
11 date on which a request by the Governor or
12 chief executive of a State was made, the Presi-
13 dent shall submit a report described in subpara-
14 graph (B) to—

15 (i) the appropriate congressional com-
16 mittees;

17 (ii) each Senator from the State af-
18 fected by the perfluorinated compound con-
19 tamination; and

20 (iii) each member of Congress that
21 represents a district affected by the
22 perfluorinated compound contamination.

23 (B) REPORT DESCRIBED.—The report re-
24 ferred to in subparagraph (A) shall include—

1 (i) a detailed explanation of why a co-
2 operative agreement has not been finalized
3 or amended, as applicable; and

4 (ii) a projected timeline for finalizing
5 or amending a cooperative agreement, as
6 applicable.

